

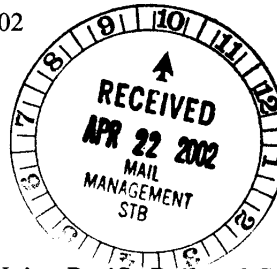
UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT  
101 NORTH WACKER DRIVE, SUITE 1920  
CHICAGO, ILLINOIS 60606  
FAX NO. 312-777-2065

RONALD J. CUCHNA  
GENERAL SOLICITOR  
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April 19, 2002



205 219

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**UPS Overnight**

Mr. Vernon Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D. C. 20423-0001

**Re: Docket No. AB-33 (Sub-No. 126X) - Union Pacific Railroad Company -  
Abandonment Exemption - in Jefferson County, WI  
Clyman Branch (Line Near Fort Atkinson) in Jefferson County,  
Wisconsin**

Dear Mr. Williams:

The Union Pacific Railroad Company ("UP") has received a request from the Wisconsin Department of Transportation dated April 18, 2002 on behalf of the City of Fort Atkinson for a 180 day extension in which to complete negotiations for the acquisition of that portion of the UP's right-of-way in Jefferson County, Wisconsin between milepost 110.00 and 112.0 for an interim recreational trail a copy of which is attached hereto as Exhibit A and hereby made a part hereof. The UP is willing to continue to negotiate with the City of Fort Atkinson concerning the acquisition of the subject property for interim recreational trail and supports the City of Fort Atkinson's request for an extension of the negotiation period for 180 days commencing April 22, 2002. A copy of the City of Fort Atkinson's request is attached hereto as Exhibit A and hereby made a part hereof.

It is noted that the Wisconsin Department of Transportation's request at paragraph 9 refers to the date of April 21, 2001, this date should be April 21, 2002.

Enclosed with this original are ten (10) copies of this filing for use by the Board.

Very truly yours,

Mack H. Shumate, Jr.,  
Senior General Counsel

MHS/taf  
Enclosure

cc: City of Fort Atkinson  
O:\Abandon\33-126X\ext.180

bcc: Ray Allamong - 1110  
Jim Harrel - WP001  
Lynda Prucha - 810  
Sylvester Bobo - MC3300  
Hans Matthiessen - 700  
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## Wisconsin Department of Transportation

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April 18, 2002

Mr. Vernon A. Williams, Secretary  
Office of the Secretary  
Surface Transportation Board, Room 1324  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

RE: **STB Docket No. AB-33 (Sub-No. 126X) Union Pacific Railroad Company--Abandonment Exemption--In Jefferson County, WI -- Motion for Extension of Time to Reach Agreement on a Notice of Interim Trail Use**

Dear Mr. Williams:

Enclosed for filing are the original and ten (10) copies of the City of Fort Atkinson's Motion for Extension of Time to Reach Agreement on a Notice of Interim Trail Use.

Please date stamp and return the duplicate copy of this transmittal letter in the prepaid, return mail envelope for verification of receipt. Thank you.

Sincerely,

IS /

Allyn Lepeska  
Attorney

AJL/dim

Enclosures

pc: Vicki Schaefer  
John Wilmet  
Mack H. Shumate, Jr. (via fax 312-777-2065)  
Mike Rewey

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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**AB-33 (SUB-NO. 126X)  
UNION PACIFIC RAILROAD COMPANY – ABANDONMENT EXEMPTION --  
IN JEFFERSON COUNTY, WISCONSIN**

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**THE CITY OF FORT ATKINSON REQUEST FOR AN EXTENSION  
OF NOTICE OF INTERIM TRAIL USE**

**BACKGROUND**

On September 18, 1998, the Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a petition under 49 C.F.R. § 1152, Subpart F -- Exempt Abandonments and Discontinuance of Service and Trackage Rights, for an exempt abandonment and discontinuance of operations over a line of railroad known as the Clyman Branch, extending from the end of the line at railroad milepost 110.0 to railroad milepost 112.0 near Fort Atkinson, a distance of 2.0 miles in Jefferson County, WI. The line traverses through U.S. Postal Service ZIP code 53538.

On July 28, 1998, the City of Fort Atkinson (City) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the segment of UP railroad line at railroad milepost 110.0 to railroad milepost 112.0 near Fort Atkinson, a distance of 2.0 miles in Jefferson County, WI.

On October 13, 1998, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the

City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on November 5, 1998, allowing the City until May 7, 1999 to negotiate a rail banking agreement with UP.

On April 7, 1999, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on April 30, 1999, allowing the City until November 3, 1999 to negotiate a rail banking agreement with UP.

On October 7, 1999, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on October 21, 1999, allowing the City until May 1, 2000 to negotiate a rail banking agreement with UP.

On June 29, 2000, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on July 3, 2000, allowing the City until October 28, 2000 to negotiate a rail banking agreement with UP.

On October 10, 2000, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on October 12, 2000, allowing the City until April 26, 2000 to negotiate a rail banking agreement with UP.

On April 11, 2001, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on April 24, 2001, allowing the City until October 23, 2001 to negotiate a rail banking agreement with UP.

On October 22, 2001, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension.

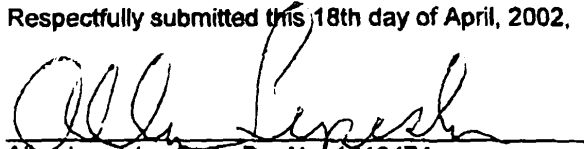
The Board issued a NITU under 49 C.F.R. 1152.29, which was served on October 30, 2001, allowing the City until April 21, 2001 to negotiate a rail banking agreement with UP.

The City has a new appraisal and negotiations are currently continuing in good faith between the City and UP. However, more time is needed to reach an agreement.

### MOTION

Therefore, WisDOT respectfully requests that the Board extend the period prescribed to negotiate an interim trail use/rail banking agreement for an additional 180 days for the land corridor and related real property, including bridge structures, on a line of railroad known as the Clyman Branch, extending from the end of the line at railroad milepost 110.0 to railroad milepost 112.0 near Fort Atkinson, a distance of 2.0 miles in Jefferson County, WI, for interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 to the City of Fort Atkinson.

Respectfully submitted this 18th day of April, 2002,



Allyn Lepeska, State Bar No. 1013474  
Wisconsin Department of Transportation  
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Attorney for Wisconsin Department of  
Transportation